



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB3506

Introduced 2/24/2011, by Rep. Michelle Mussman

SYNOPSIS AS INTRODUCED:

730 ILCS 150/3
730 ILCS 150/6
730 ILCS 152/123 new

Amends the Sex Offender Registration Act. Provides that the e-mail addresses, instant messaging identities, chat room identities, and other Internet communications identities that the sex offender provides to the law enforcement agency with which the sex offender registers, are those the sex offender uses or plans to use while accessing the Internet or those that the sex offender uses for other purposes of social networking or other similar Internet communication. Amends the Sex Offender Community Notification Law. Provides that the Department of State Police shall, upon the request of any Internet service provider, release to such provider the following information concerning a registered sex offender: all e-mail addresses, instant messaging identities, chat room identities, and other Internet communications identities that the sex offender uses or plans to use that would enable the Internet service provider to prescreen or remove the sex offender from its services or, in conformity with State and federal law, advise law enforcement or other governmental entities of potential violations of law or threats to public safety. Provides that before releasing information to an Internet service provider, the Department shall require an Internet service provider that requests information to submit to the Department the name, address, and telephone number of such provider and the specific legal nature and corporate status of such provider.

LRB097 08317 RLC 48444 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning sex offenders.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Sex Offender Registration Act is amended by
5 changing Sections 3 and 6 as follows:

6 (730 ILCS 150/3)

7 Sec. 3. Duty to register.

8 (a) A sex offender, as defined in Section 2 of this Act, or
9 sexual predator shall, within the time period prescribed in
10 subsections (b) and (c), register in person and provide
11 accurate information as required by the Department of State
12 Police. Such information shall include a current photograph,
13 current address, current place of employment, the sex
14 offender's or sexual predator's telephone number, including
15 cellular telephone number, the employer's telephone number,
16 school attended, all e-mail addresses, instant messaging
17 identities, chat room identities, and other Internet
18 communications identities that the sex offender uses or plans
19 to use while accesssing the Internet or uses for other purposes
20 of social networking or other similar Internet communication,
21 all Uniform Resource Locators (URLs) registered or used by the
22 sex offender, all blogs and other Internet sites maintained by
23 the sex offender or to which the sex offender has uploaded any

1 content or posted any messages or information, extensions of
2 the time period for registering as provided in this Article
3 and, if an extension was granted, the reason why the extension
4 was granted and the date the sex offender was notified of the
5 extension. The information shall also include a copy of the
6 terms and conditions of parole or release signed by the sex
7 offender and given to the sex offender by his or her
8 supervising officer, the county of conviction, license plate
9 numbers for every vehicle registered in the name of the sex
10 offender, the age of the sex offender at the time of the
11 commission of the offense, the age of the victim at the time of
12 the commission of the offense, and any distinguishing marks
13 located on the body of the sex offender. A sex offender
14 convicted under Section 11-6, 11-20.1, 11-20.3, or 11-21 of the
15 Criminal Code of 1961 shall provide all Internet protocol (IP)
16 addresses in his or her residence, registered in his or her
17 name, accessible at his or her place of employment, or
18 otherwise under his or her control or custody. If the sex
19 offender is a child sex offender as defined in Section 11-9.3
20 or 11-9.4 of the Criminal Code of 1961, the sex offender shall
21 report to the registering agency whether he or she is living in
22 a household with a child under 18 years of age who is not his or
23 her own child, provided that his or her own child is not the
24 victim of the sex offense. The sex offender or sexual predator
25 shall register:

26 (1) with the chief of police in the municipality in

1 which he or she resides or is temporarily domiciled for a
2 period of time of 3 or more days, unless the municipality
3 is the City of Chicago, in which case he or she shall
4 register at the Chicago Police Department Headquarters; or

5 (2) with the sheriff in the county in which he or she
6 resides or is temporarily domiciled for a period of time of
7 3 or more days in an unincorporated area or, if
8 incorporated, no police chief exists.

9 If the sex offender or sexual predator is employed at or
10 attends an institution of higher education, he or she shall
11 register:

12 (i) with the chief of police in the municipality in
13 which he or she is employed at or attends an institution of
14 higher education, unless the municipality is the City of
15 Chicago, in which case he or she shall register at the
16 Chicago Police Department Headquarters; or

17 (ii) with the sheriff in the county in which he or she
18 is employed or attends an institution of higher education
19 located in an unincorporated area, or if incorporated, no
20 police chief exists.

21 For purposes of this Article, the place of residence or
22 temporary domicile is defined as any and all places where the
23 sex offender resides for an aggregate period of time of 3 or
24 more days during any calendar year. Any person required to
25 register under this Article who lacks a fixed address or
26 temporary domicile must notify, in person, the agency of

1 jurisdiction of his or her last known address within 3 days
2 after ceasing to have a fixed residence.

3 A sex offender or sexual predator who is temporarily absent
4 from his or her current address of registration for 3 or more
5 days shall notify the law enforcement agency having
6 jurisdiction of his or her current registration, including the
7 itinerary for travel, in the manner provided in Section 6 of
8 this Act for notification to the law enforcement agency having
9 jurisdiction of change of address.

10 Any person who lacks a fixed residence must report weekly,
11 in person, with the sheriff's office of the county in which he
12 or she is located in an unincorporated area, or with the chief
13 of police in the municipality in which he or she is located.
14 The agency of jurisdiction will document each weekly
15 registration to include all the locations where the person has
16 stayed during the past 7 days.

17 The sex offender or sexual predator shall provide accurate
18 information as required by the Department of State Police. That
19 information shall include the sex offender's or sexual
20 predator's current place of employment.

21 (a-5) An out-of-state student or out-of-state employee
22 shall, within 3 days after beginning school or employment in
23 this State, register in person and provide accurate information
24 as required by the Department of State Police. Such information
25 will include current place of employment, school attended, and
26 address in state of residence. A sex offender convicted under

1 Section 11-6, 11-20.1, 11-20.3, or 11-21 of the Criminal Code
2 of 1961 shall provide all Internet protocol (IP) addresses in
3 his or her residence, registered in his or her name, accessible
4 at his or her place of employment, or otherwise under his or
5 her control or custody. The out-of-state student or
6 out-of-state employee shall register:

7 (1) with the chief of police in the municipality in
8 which he or she attends school or is employed for a period
9 of time of 5 or more days or for an aggregate period of
10 time of more than 30 days during any calendar year, unless
11 the municipality is the City of Chicago, in which case he
12 or she shall register at the Chicago Police Department
13 Headquarters; or

14 (2) with the sheriff in the county in which he or she
15 attends school or is employed for a period of time of 5 or
16 more days or for an aggregate period of time of more than
17 30 days during any calendar year in an unincorporated area
18 or, if incorporated, no police chief exists.

19 The out-of-state student or out-of-state employee shall
20 provide accurate information as required by the Department of
21 State Police. That information shall include the out-of-state
22 student's current place of school attendance or the
23 out-of-state employee's current place of employment.

24 (a-10) Any law enforcement agency registering sex
25 offenders or sexual predators in accordance with subsections
26 (a) or (a-5) of this Section shall forward to the Attorney

1 General a copy of sex offender registration forms from persons
2 convicted under Section 11-6, 11-20.1, 11-20.3, or 11-21 of the
3 Criminal Code of 1961, including periodic and annual
4 registrations under Section 6 of this Act.

5 (b) Any sex offender, as defined in Section 2 of this Act,
6 or sexual predator, regardless of any initial, prior, or other
7 registration, shall, within 3 days of beginning school, or
8 establishing a residence, place of employment, or temporary
9 domicile in any county, register in person as set forth in
10 subsection (a) or (a-5).

11 (c) The registration for any person required to register
12 under this Article shall be as follows:

13 (1) Any person registered under the Habitual Child Sex
14 Offender Registration Act or the Child Sex Offender
15 Registration Act prior to January 1, 1996, shall be deemed
16 initially registered as of January 1, 1996; however, this
17 shall not be construed to extend the duration of
18 registration set forth in Section 7.

19 (2) Except as provided in subsection (c) (4), any person
20 convicted or adjudicated prior to January 1, 1996, whose
21 liability for registration under Section 7 has not expired,
22 shall register in person prior to January 31, 1996.

23 (2.5) Except as provided in subsection (c) (4), any
24 person who has not been notified of his or her
25 responsibility to register shall be notified by a criminal
26 justice entity of his or her responsibility to register.

1 Upon notification the person must then register within 3
2 days of notification of his or her requirement to register.
3 If notification is not made within the offender's 10 year
4 registration requirement, and the Department of State
5 Police determines no evidence exists or indicates the
6 offender attempted to avoid registration, the offender
7 will no longer be required to register under this Act.

8 (3) Except as provided in subsection (c)(4), any person
9 convicted on or after January 1, 1996, shall register in
10 person within 3 days after the entry of the sentencing
11 order based upon his or her conviction.

12 (4) Any person unable to comply with the registration
13 requirements of this Article because he or she is confined,
14 institutionalized, or imprisoned in Illinois on or after
15 January 1, 1996, shall register in person within 3 days of
16 discharge, parole or release.

17 (5) The person shall provide positive identification
18 and documentation that substantiates proof of residence at
19 the registering address.

20 (6) The person shall pay a \$100 initial registration
21 fee and a \$100 annual renewal fee. The fees shall be used
22 by the registering agency for official purposes. The agency
23 shall establish procedures to document receipt and use of
24 the funds. The law enforcement agency having jurisdiction
25 may waive the registration fee if it determines that the
26 person is indigent and unable to pay the registration fee.

1 Thirty dollars for the initial registration fee and \$30 of
2 the annual renewal fee shall be used by the registering
3 agency for official purposes. Ten dollars of the initial
4 registration fee and \$10 of the annual fee shall be
5 deposited into the Sex Offender Management Board Fund under
6 Section 19 of the Sex Offender Management Board Act. Money
7 deposited into the Sex Offender Management Board Fund shall
8 be administered by the Sex Offender Management Board and
9 shall be used to fund practices endorsed or required by the
10 Sex Offender Management Board Act including but not limited
11 to sex offenders evaluation, treatment, or monitoring
12 programs that are or may be developed, as well as for
13 administrative costs, including staff, incurred by the
14 Board. Thirty dollars of the initial registration fee and
15 \$30 of the annual renewal fee shall be deposited into the
16 Sex Offender Registration Fund and shall be used by the
17 Department of State Police to maintain and update the
18 Illinois State Police Sex Offender Registry. Thirty
19 dollars of the initial registration fee and \$30 of the
20 annual renewal fee shall be deposited into the Attorney
21 General Sex Offender Awareness, Training, and Education
22 Fund. Moneys deposited into the Fund shall be used by the
23 Attorney General to administer the I-SORT program and to
24 alert and educate the public, victims, and witnesses of
25 their rights under various victim notification laws and for
26 training law enforcement agencies, State's Attorneys, and

1 medical providers of their legal duties concerning the
2 prosecution and investigation of sex offenses.

3 (d) Within 3 days after obtaining or changing employment
4 and, if employed on January 1, 2000, within 5 days after that
5 date, a person required to register under this Section must
6 report, in person to the law enforcement agency having
7 jurisdiction, the business name and address where he or she is
8 employed. If the person has multiple businesses or work
9 locations, every business and work location must be reported to
10 the law enforcement agency having jurisdiction.

11 (Source: P.A. 95-229, eff. 8-16-07; 95-579, eff. 6-1-08;
12 95-640, eff. 6-1-08; 95-658, eff. 10-11-07; 95-876, eff.
13 8-21-08; 96-1094, eff. 1-1-11; 96-1096, eff. 1-1-11; 96-1097,
14 eff. 1-1-11; 96-1102, eff. 1-1-11; 96-1104, eff. 1-1-11;
15 revised 9-2-10.)

16 (730 ILCS 150/6)

17 Sec. 6. Duty to report; change of address, school, or
18 employment; duty to inform. A person who has been adjudicated
19 to be sexually dangerous or is a sexually violent person and is
20 later released, or found to be no longer sexually dangerous or
21 no longer a sexually violent person and discharged, or
22 convicted of a violation of this Act after July 1, 2005, shall
23 report in person to the law enforcement agency with whom he or
24 she last registered no later than 90 days after the date of his
25 or her last registration and every 90 days thereafter and at

1 such other times at the request of the law enforcement agency
2 not to exceed 4 times a year. Such sexually dangerous or
3 sexually violent person must report all new or changed e-mail
4 addresses, all new or changed instant messaging identities, all
5 new or changed chat room identities, and all other new or
6 changed Internet communications identities that the sexually
7 dangerous or sexually violent person uses or plans to use, all
8 new or changed Uniform Resource Locators (URLs) registered or
9 used by the sexually dangerous or sexually violent person, and
10 all new or changed blogs and other Internet sites maintained by
11 the sexually dangerous or sexually violent person or to which
12 the sexually dangerous or sexually violent person has uploaded
13 any content or posted any messages or information. Any person
14 who lacks a fixed residence must report weekly, in person, to
15 the appropriate law enforcement agency where the sex offender
16 is located. Any other person who is required to register under
17 this Article shall report in person to the appropriate law
18 enforcement agency with whom he or she last registered within
19 one year from the date of last registration and every year
20 thereafter and at such other times at the request of the law
21 enforcement agency not to exceed 4 times a year. If any person
22 required to register under this Article lacks a fixed residence
23 or temporary domicile, he or she must notify, in person, the
24 agency of jurisdiction of his or her last known address within
25 3 days after ceasing to have a fixed residence and if the
26 offender leaves the last jurisdiction of residence, he or she,

1 must within 3 days after leaving register in person with the
2 new agency of jurisdiction. If any other person required to
3 register under this Article changes his or her residence
4 address, place of employment, telephone number, cellular
5 telephone number, or school, he or she shall report in person,
6 to the law enforcement agency with whom he or she last
7 registered, his or her new address, change in employment,
8 telephone number, cellular telephone number, or school, all new
9 or changed e-mail addresses, all new or changed instant
10 messaging identities, all new or changed chat room identities,
11 and all other new or changed Internet communications identities
12 that the sex offender uses or plans to use while accessing the
13 Internet or uses for other purposes of social networking or
14 other similar Internet communication, all new or changed
15 Uniform Resource Locators (URLs) registered or used by the sex
16 offender, and all new or changed blogs and other Internet sites
17 maintained by the sex offender or to which the sex offender has
18 uploaded any content or posted any messages or information, and
19 register, in person, with the appropriate law enforcement
20 agency within the time period specified in Section 3. If the
21 sex offender is a child sex offender as defined in Section
22 11-9.3 or 11-9.4 of the Criminal Code of 1961, the sex offender
23 shall within 3 days after beginning to reside in a household
24 with a child under 18 years of age who is not his or her own
25 child, provided that his or her own child is not the victim of
26 the sex offense, report that information to the registering law

1 enforcement agency. The law enforcement agency shall, within 3
2 days of the reporting in person by the person required to
3 register under this Article, notify the Department of State
4 Police of the new place of residence, change in employment,
5 telephone number, cellular telephone number, or school.

6 If any person required to register under this Article
7 intends to establish a residence or employment outside of the
8 State of Illinois, at least 10 days before establishing that
9 residence or employment, he or she shall report in person to
10 the law enforcement agency with which he or she last registered
11 of his or her out-of-state intended residence or employment.
12 The law enforcement agency with which such person last
13 registered shall, within 3 days after the reporting in person
14 of the person required to register under this Article of an
15 address or employment change, notify the Department of State
16 Police. The Department of State Police shall forward such
17 information to the out-of-state law enforcement agency having
18 jurisdiction in the form and manner prescribed by the
19 Department of State Police.

20 (Source: P.A. 95-229, eff. 8-16-07; 95-331, eff. 8-21-07;
21 95-640, eff. 6-1-08; 95-876, eff. 8-21-08; 96-1094, eff.
22 1-1-11; 96-1104, eff. 1-1-11; revised 9-2-10.)

23 Section 10. The Sex Offender Community Notification Law is
24 amended by adding Section 123 as follows:

1 (730 ILCS 152/123 new)

2 Sec. 123. Disclosure of information to Internet service
3 provider. The Department of State Police shall, upon the
4 request of any Internet service provider, release to such
5 provider the following information concerning a registered sex
6 offender: all e-mail addresses, instant messaging identities,
7 chat room identities, and other Internet communications
8 identities that the sex offender uses or plans to use that
9 would enable the Internet service provider to prescreen or
10 remove the sex offender from its services or, in conformity
11 with State and federal law, advise law enforcement or other
12 governmental entities of potential violations of law or threats
13 to public safety. Before releasing information to an Internet
14 service provider, the Department shall require an Internet
15 service provider that requests information to submit to the
16 Department the name, address, and telephone number of such
17 provider and the specific legal nature and corporate status of
18 such provider. Except for the purposes specified in this
19 Section, an Internet service provider may not publish or in any
20 way disclose or redisclose any information provided to it by
21 the Department pursuant to this Section. The Department shall
22 update any information released pursuant to this Section on a
23 monthly basis to ensure that the information of every
24 individual that has been removed from the sex offender registry
25 in this State is no longer released pursuant to this Section.
26 The Department may charge the Internet service provider a fee

1 for access to information pursuant to this Section. The
2 Department shall promulgate any rules necessary to implement
3 the provisions of this Section. As used in this Section,
4 "Internet service provider" means any business, organization
5 or other entity providing or offering a service over the
6 Internet which permits persons under 18 years of age to access,
7 meet, congregate, or communicate with other users for the
8 purpose of social networking. This definition does not include
9 general e-mail services.